



Follow-up to Compliance Assessment of the Freedom of Information Act (FOIA) program at the United States Coast Guard (USCG), Department of Homeland Security

Date: January 27, 2016

Date Report Issued: September 25, 2015

The OPEN Government Act of 2007 established the Office of Government Information Services (OGIS), codified at 5 U.S.C. § 552(h), and mandated the office with reviewing agencies Freedom of Information Act (FOIA) policies, procedures and compliance. We assessed the FOIA program at the United States Coast Guard (USCG) and issued a report on September 25, 2015. As part of our assessment program, we follow up with agencies 120 days later to understand what actions the agency took to address our recommendations for improving the administration of FOIA.

Finding 1: The Coast Guard is not effectively managing challenges created by decentralization

Recommendation: Create a plan to centralize the Coast Guard's FOIA process.

Agency Response: While mentioned in the report, this recommendation was not on the original list forwarded to the Coast Guard on September 15, 2015. The Coast Guard has recently cut its overall staffing by ten percent due to budget constraints. The FOIA Office has requested additional billets beginning with the FY18 budget to address shortfalls in our FOIA processing. The Resource proposal was denied.

Recommendation: Create clear standard operating procedures for the FOIA process by updating the Coast Guard FOIA Manual.

Agency Response: The Coast Guard is currently revising its FOIA Manual.

Recommendation: Create at-a-glance procedures for processing FOIA requests for personnel for which processing FOIA is a collateral duty.

Agency Response: Currently the USCG does not have the resources to create a

glance procedures for the processing FOIA requests for personnel for which processing FOIA is a collateral duty. We are looking at alternative methods to assist in this area (i.e. USCG Reserve support). Also, the USCG feels training would help this endeavor. We plan to place more FOIA specific items on our Intranet site for use by our outlying units.

Recommendation: Expand the Coast Guard's training curriculum to include privacy laws, DHS FOIA regulation, and DHS online training.

Agency Response: The USCG FOIA and PA Manual has section on how to process Privacy Act requests. The FOIA/PA Manual also explains the relationship between FOIA and PA. Once the DHS FOIA Regulations, 6 CFR Part 5 is approved the FOIA/PA Manual will be updated. The Coast Guard is also awaiting approval of the Department Of Justice Training Modules by DHS. Once approved, the modules will be uploaded into the agency's Learning Management System as required annual training.

Recommendation: Evaluate the policy regarding what responses must be reviewed by the Office of General Counsel.

Agency Response: All FOIA denials are reviewed by the respective USCG Legal Service Office. The USCG Office of General Counsel should not be reviewing full grants and no records responses for a legal sufficiency review, because they are not considered denials.

Recommendation: Study the Coast Guard's ability to access records house on Department of Defense servers.

Agency Response: Will discuss with leadership.

Recommendation: Consider using the Coast Guard's own Administrative Law Judge (ALJ) program for processing appeals.

Agency Response: All appeals of adverse determinations are processed by USCG FOIA personnel and reviewed for legal sufficiency by the USCG General Counsel Office.

Finding 2: Technology is Under-utilized

Recommendation: Fully implement the Coast Guard's FOIA processing system.

Agency Response: The USCG has just completed its first year using FOIAXpress. It is being used for FOIA tracking purposes only. Currently, the USCG is conducting market research into other FOIA software systems that could help up become more efficient and streamline our FOIA process.

Recommendation: Overhaul the Coast Guard FOIA web page, including reviewing all reference material for accuracy and fixing broken links.

Agency Response: Completed. http://www.uscg.mil/foia/FOIA_Library.asp

Recommendation: Post link to agency's open investigations database.

Agency Response: Completed. http://www.uscg.mil/foia/FOIA_Library.asp

Recommendation: Send a link to the open investigations database to all requesters who seek investigative records.

Agency Response: The USCG's Data and Administration Division already provide a link to access to the investigations database in its responses FOIA requesters.

Finding 3: Communication needs improvement.

Recommendation: Send a link to the open investigations database to all requesters who seek investigative records.

Agency Response: The USCG's Data and Administration Division already provides access to FOIA requesters.

Recommendation: Alert requesters that they will receive a response from multiple offices, when applicable, or ensure that a response indicates that it is an interim or final response from a particular district.

Agency Response: The Coast Guard agrees with this recommendation. In the Metropolitan DC area this is practiced. We recommend our outlying commands do the same for units assigned to their areas of responsibility.

Recommendation: Include all tracking numbers associated with a remanded request, including the newly assigned tracking number as well as the original tracking number.

Agency Response: The Coast Guard is already doing this.

Recommendation: Create templates which include brief descriptions of the FOIA exemption the Coast Guard uses most often.

Agency Response: The Coast Guard stores the DHS approved templates on our intranet site for use by all units.

Recommendation: Revise template letters so the letters use plain language and less jargon.

Agency Response: The Coast Guard agrees and has requested that all units utilize the templates on our intranet site.

Recommendation: Delete from the appeal template language which informs the requester that the Coast Guard cannot provide an estimated date of completion.

Agency Response: The Coast Guard agrees and has removed this language from appeal letters.